IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 2227 OF 2004

Prakash R. Hede .. Petitioner

v/s.

Dr. Mohan N. Bhave & Ors. .. Respondents

Shri Vishal S. Khanawalkar & Kedar B. Dighe for Petitioner.

Shri Rajesh More, APP.

CORAM: S.K. SHAH, J.

DATE : 3rd May, 2006.

P.C.

Heard counsels on both sides. This writ petition is filed against the order of issue of process by the Magistrate for offence punishable under section 138 of the Negotiable Instruments Act. The perusal of the complaint shows that there are clear averments in the complaint that the accused No. 1 including the petitioner who is accused No. 2 were in charge of the affairs of company. It is stated that the petitioner had resigned from the directorship of the company from 1.11.2000 and therefore he cannot be actively associated with the company. The complaint is common in respect of three cheques. So far as cheque dated 31.10.2000 there is prima facie case against the applicant. Hence I do not find any merit in the petition. The petition stands dismissed.

(S. K. SHAH, J)